

Sec. 2. The fact that Chapter 67, Acts of the First Called Session of the Forty-third Legislature, and Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, fixed no definite date for the payment of claims approved by the Compensation Claim Board and which were filed after April 15, 1934, thereby delaying the reimbursement of those entitled to such payments from said appropriation, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 18, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 32, A bill to be entitled "An Act defining 'oleomargarine' and other terms used in this Act; imposing a tax of Ten (10) Cents per pound on certain oleomargarines; prescribing the method of collecting said tax; providing for the keeping and furnishing of records, certificates, and reports; providing and regulating the manner of shipment and delivery of oleomargarine; fixing liability for taxes; authorizing the State Comptroller to enforce the provisions of this Act, to collect the taxes levied hereunder, and to prescribe and promulgate rules and regulations looking to the enforcement of this Act; providing for the disposition of taxes levied and collected hereunder; requiring certain information to be shown on packages, containers, and wrappers of oleomargarine; providing for forfeitures and penalties for violation of Act; providing that if any of the provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

## SEVENTEENTH DAY—Cont'd.

### After Recess.

Senate Chamber,  
Austin, Texas,  
September 19, 1934.

The Senate met at 11:00 o'clock a. m., pursuant to recess, and was called to order by the Lieutenant Governor, Edgar E. Witt.

### Conference Committee.

The Chair appointed the following Senators on the Free Conference Committee on H. B. No. 1:

BECK,  
MARTIN,  
MOORE,  
WOODWARD,  
WOODRUFF.

### Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 14.

### Senate Bill No. 4.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 4, A bill to be entitled "An Act authorizing cities having more than sixteen thousand inhabitants as shown by the last Federal census, preceding such action, and containing a junior college within their corporate limits, to establish community centers consisting of all land and buildings or structures necessary therefor, including gymnasiums, auditoriums, natatoriums and dormitories to furnish residence to teachers and students attending schools and college in any such city, etc.; and declaring an emergency."

Senator Martin sent up the following amendment to S. B. No. 4:

Amend S. B. No. 4 as follows: By striking out of Section One all of line 9 after the word "having" and all of line 10 and the letters "ing" in line 11.

MARTIN.

Read and adopted by vica voce vote.

Senator Oneal sent up the following amendment:

Amend S. B. No. 4, by striking out of Section 3 all after the word "body" in line 36, page 2, of the printed bill.

ONEAL,  
PURL.

Read and adopted.

Senator Collie sent up an amendment to the amendment by Senator Oneal:

Amend Oneal amendment by adding the following:

"Provided that nothing herein shall be construed as in any way repealing H. B. No. 312, Chapter 163, page 269, General Laws of the Forty-second Legislature, and the provisions of said law shall apply herein."

COLLIE.

Read and adopted.

#### Motion to Re-Commit.

Senator Purl moved to re-commit S. B. No. 4 to the Committee on Education from which it came.

Senator Martin asked to withdraw his amendment to S. B. No. 4.

#### Point of Order.

Senator DeBerry made the point of order, that a motion was before the house to re-commit S. B. No. 4 to the committee from which it came.

The Chair sustained the point of order.

Senator Collie's amendment to the amendment was adopted.

Senator Neal moved that the caption be amended to conform to the body of the bill as amended.

The motion prevailed.

Senator Neal moved that the bill be engrossed.

The bill, as amended, was engrossed by viva voce vote.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.

Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.  
Parr.  
Patton.

Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.  
Blackert.  
Collie.  
Cousins.  
Duggan.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.

Pace.  
Parr.  
Patton.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Present—Not Voting,

DeBerry.

Poage.

Absent—Excused.

Fellbaum.

#### Messages from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

#### Executive Office.

Austin, Texas, Sept. 19, 1934.

To the Forty-third Legislature in Third Called Session:

By request I herewith submit for your consideration a bill hereto attached to be entitled "An Act authorizing the State Highway Commission as defined herein to construct toll bridges and approaches thereto on State Highways with funds procured from the United States Government, all set forth in said bill to which reference is here made.

This legislation is submitted without prejudice to navigation and without prejudice to the right of disapproval.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 19, 1934.  
To the Forty-third Legislature in  
Third Called Session:

By request of Representatives Palmer, Harmon, Weinert and others, I submit for your consideration the attached bill being: "An Act authorizing the State Parks Board to locate, designate and suitably mark the historic spots in Texas repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 19, 1934.  
To the Forty-third Legislature in  
Third Called Session:

By request of Representative Laird I submit for your consideration the attached bill to be entitled "An Act to validate the organization and creation of all county line consolidated independent school districts, county line rural high school districts and/or consolidated common school districts, whether created by the vote of the people or by the county boards of trustees, or commissioners' courts or by judgments of district courts, where such county line consolidated independent school districts, county line rural high school districts and consolidated common school districts are formed by the consolidation of districts or parts of districts lying in three adjoining counties . . . ; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 19, 1934.  
To the Forty-third Legislature in  
Third Called Session:

By request of Representative Dunagan I submit for your consideration the attached bill to be entitled "An Act amending S. B. No. 209, General Laws of the Forty-third Legislature, and amending Article 3883 of the Revised Civil Statutes of Texas,

1925, as amended by Chapter 340, Acts of the Regular Session, Forty-second Legislature, so as to provide that counties containing as many as 22,296 and not more than 22,580 inhabitants, according to the last Federal census, the Assessor and Collector of Taxes shall receive \$4,500, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 19, 1934.  
To the Forty-third Legislature in  
Third Called Session:

At the request of Senator Greer I submit for your consideration the attached bill to be entitled "An Act designating fur bearing animals, declaring them the property of the State, declaring a three (3) year closed season on wild fox in Henderson County; and providing a penalty for violation of this Act."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

#### Senate Bill No. 26.

Senator Regan called up S. B. No. 26.

S. B. No. 26, A bill to be entitled "An Act authorizing waste control and improvement districts to assign water contracts for a period of not exceeding forty years, or to assign the revenues accruing or to accrue under such contract, and to receive therefor either a lump sum in cash or outstanding bonds of said district; to sell or contract to sell water for the generation of electric power over a period of not exceeding forty years; to issue negotiable refunding bonds for exchange for outstanding indebtedness or to sell same and redeem a like amount of outstanding indebtedness; to enter into escrow agreements relative to payment of its bonds and to pledge its revenues to the payment thereof; to provide and agree to provide for an emergency fund for repairs to its irrigation system; to enter into contract for the operation and maintenance of its irrigation system for such period of years as may be specified in the assignment of such system; providing that the statutes of limitations shall not run against any re-

funding bonds of such districts hereafter issued; authorizing the issuance of improvement bonds, and levying a tax therefor; authorizing the levy and collection of special assessments, and providing the method of such levy and collection; authorizing the refunding of such improvement bonds; authorizing the cancellation of any bonds heretofore authorized by an election, providing the method therefor; providing that any outstanding past due interest coupons of any bonds of such districts shall be received at par in payment of taxes due such districts and due on or before January 31, 1934; repealing Chapter 22 of the General Laws of the Third Called Session of the Forty-second Legislature; declaring the intent of this Act; providing that the invalidity of any section, provision or part of this Act shall not affect the remainder of this Act; providing that the provisions of this Act shall be construed as being in addition to existing statutes and not as repealing same; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The rule requiring bills to be read on three several days was suspended and the bill was put on its second reading by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—1.

Collie.

## Present—Not Voting.

DeBerry. Poage.

## Absent—Excused.

Fellbaum.

## House Bill No. 70.

Senator Woodruff asked unanimous consent to take up H. B. No. 70.

**Consent was granted.**

H. B. No. 70, A bill to be entitled "An Act making it a penal offense for any officer or employe of the Texas Prison System, or any other person, to instigate, connive, attempt to cause, assist in or conspire with others to cause any mutiny, or riot, or in any manner aid in the escape of any prisoner from the Texas penitentiary, from any prison farm, etc., and declaring an emergency."

On motion of Senator Woodruff, the bill was laid on the table subject to call.

**House Bill No. 62.**

Senator Rawlings asked unanimous consent to take up H. B. No. 62 at this time.

**Consent was granted.**

H. B. No. 62, A bill to be entitled "An Act to provide a more adequate manner of compensating county judges in counties which have a population of not less than 195,000 and not more than 200,000, according to the 1930 United States census, and providing for the employment of a stenographer and other help for such judges, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 62 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.  
Sanderford.  
Small.  
Stone.

Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Recess.

On motion of Senator Cousins, the Senate at 12:15 o'clock recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**House Bill No. 70.**

The Chair announced that pending business was H. B. No. 70.

Senator Woodruff called from the table H. B. No. 70 and explained the bill.

Senator Purl moved that the pending bill be laid on the table subject to call.

The motion prevailed.

**Senate Bill No. 14.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 14, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bob whites, and doves in Terry County

for a period of five years, prescribing a penalty therefor, and declaring an emergency."

Senator Duggan sent up the following amendment:

Amend S. B. No. 14 by striking out all of Sections 1, 2 and 3, and substituting therefor the following:

Section 1. From and after the passage of this Act, it shall be unlawful for any person to hunt, trap, shoot, or kill any blue quail, bob whites, or doves within the County of Terry for a period ending March 20, 1938.

Sec. 2. From and after the passage of this Act, it shall be unlawful for any person to hunt, trap, shoot, or kill any blue quail or bob whites within the County of Martin for the period of three years from and after the passage of this Act.

Sec. 3. Any person violating the provisions of Section 1 and Section 2 hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five (5) dollars nor more than twenty-five (25) dollars.

Sec. 4. The fact that the ruthless killing of blue quail, bob whites and doves within Terry County and that the killing of blue quail and bob whites within Martin County has almost exterminated the said species of birds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in both Houses on three several days be suspended and the same is hereby suspended and this Act shall take effect and, be in force from and after its passage and it is so enacted.

Amend caption of said bill to conform therewith.

DUGGAN.

The amendment to S. B. No. 14 was adopted by viva voce vote.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Duggan, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 14 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Senate Bill No. 17.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 17, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, and as amended by Chapter 29, Acts of the Second Session of the Forty-third Legislature, same being House Bill No. 79, so as to provide the

method of prorating the funds provided in said chapter, fixing date for filing claims, under said appropriation, providing that the claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it is to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas Regulatory Laws, in such cases, providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full and no further payment made by the State on said claim, and declaring an emergency."

Senator Duggan asked unanimous consent to lay S. B. No. 17 on the table subject to call.

Consent was granted.

#### Senate Bill No. 28.

Senator Purl sent up the following bill:

By Senators Purl, et al:

S. B. No. 28, A bill to be entitled "An Act authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds, procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership, maturing serially, the maturity of the final installment being within forty (40) years from their date, payable solely from tolls charged for the use of such bridge, with the proviso that they shall not constitute a debt of the State of Texas nor of the Highway Department but shall be special obligations secured by a first lien and pledge of and on the gross revenues received as tolls for the use of said bridge, prescribing the duties of the Highway Commission in reference to the execution, issuance and

delivery of said securities, declaring such obligations to be negotiable instruments, providing for approval by the Attorney General of each such issue of securities, and registration by the Comptroller of Public Accounts, prescribing the effect of such approval and registration, and in reference to each such bridge providing for the establishment of special fund in which shall be deposited the proceeds from the sale of such securities and a special fund for the accumulation of moneys to pay the principal and interest of such securities; and after any such loan or loans and grant is authorized by said agency, prohibiting the Highway Commission from paying any expense incurred in the making of applications for any such loan and grant and the preparation, issuance, approval and delivery of said securities, or in designing or supervising the construction of any such bridge but same shall be paid from the proceeds of such loan or loans and grant, placing the duty of the Highway Commission to see that all such expenses are paid from the proceeds of such loan or loans and grant, authorizing the Highway Commission to make contracts in reference to the designing, supervision of the construction of any such bridge, limiting its liability to such borrowed or granted funds, prescribing the method of letting contracts and the giving of notice thereof, granting legislative consent to institution of suits in event of default in payment of principal and interest, declaring the legislative intent that as soon as the indebtedness against any such bridge shall have been satisfied said bridge shall immediately become a free bridge ratifying and validating all applications heretofore filed and steps taken in reference thereto by the Highway Commission, providing that this Act shall be cumulative except wherein in conflict with other laws, repealing such conflicting laws, providing that if any part of this Act is unconstitutional the remaining parts shall remain effective, and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 6.

Senator Hopkins called up S. B. No. 6 on second reading:

S. B. No. 6, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes of Texas, 1925, correcting the same by inserting the words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Senate Bill No. 7.

Senator Hopkins called up S. B. No. 7.

S. B. No. 7, A bill to be entitled "An Act amending Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, correcting the same by inserting the word 'ward' in place of the word 'minor' and by inserting the number '4198' in place of the number '4197,' and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 7 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.



Murphy.	Redditt.
Neal.	Regan.
ONeal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent—Excused.

Fellbaum.

**Senate Bill No. 8.**

Senator Hopkins called up S. B. No. 8 on its second reading:

S. B. No. 8, A bill to be entitled "An Act amending Article 1043, Revised Civil Statutes of Texas, 1925, so as to permit municipal corporations whose fiscal year runs otherwise than the calendar year to require assessment to cover property possessed or controlled on the first day of the fiscal year, such inventory to be handed to the city assessor and collector within the first three months of the fiscal year, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

**Senate Bill No. 25.**

Senator Regan called up S. B. No. 25.

S. B. No. 25, A bill to be entitled "An Act to provide for the cession by the State of Texas to the United States of America of all right, title and interest which the State of Texas may have in and to certain lands in El Paso County and Hudspeth County, comprising the bed and banks of the Rio Grande; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas and residents and citizens thereof to waters of the Rio Grande, and in the use thereof and in the access thereto, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its second reading by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Greer.
Cousins.	Holbrook.

Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Fellbaum.

The bill was read second time and passed to engrossment.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

**House Bill No. 46.**

Senator Collie, in the absence of Senator Moore, asked to take up H. B. No. 46.

Consent was granted.

H. B. No. 46, A bill to be entitled "An Act to amend Subdivision 32, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1931, Forty-second Legislature, First Called Session, page 27, Chapter 14, Section 1, amended by Acts 1933, Forty-third Legislature Regular Session, page 371, Chapter 145, so as to change the time and terms of holding the terms of district court in Nolan, Mitchell, Scurry and Borden Counties, constituting the Thirty-second Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act, repealing all laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Greer.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.

Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Sanderford.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

#### Senate Bill No. 22.

Senator Moore asked to take S. B. No. 22.

S. B. No. 22, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as amended by Chapter 38, of the Forty-second Legislature at its Third Called Session, by placing Hunt County within, to compose a part of, both the Fifth (5th) and Sixth (6th) Supreme Judicial Districts of Texas, and regulating the filing, in the respective Courts of Civil Appeals established in said districts, cases appealed from the trial courts of Hunt County, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 22 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read thid time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

#### House Bill No. 32.

Senator Duggan asked to take up H. B. No. 32 and consider at this time.

Consent was granted.

H. B. No. 32, A bill to be entitled "An Act defining 'oleomargarine' and other terms used in this Act; imposing a tax of ten cents per pound on certain oleomargarines, prescribing the method for collecting said tax; providing for the keeping and furnishing of records, certificates, and

reports; providing and regulating the manner of shipment and delivery of oleomargarine; fixing liability for taxes, etc.; and declaring an emergency."

Senators Small and Purl sent up the following amendment to H. B. No. 32:

Amend H. B. No. 32 by striking out the last clause in Section 13, to-wit: "or any other person suing in the name of the State," and insert the following: "the Attorney General, or the county or district attorney, but bond shall be required of all other persons the same as in other injunction cases."

**PURL,  
SMALL.**

Read and adopted.

Senator Purl asked unanimous to consent to amend the caption to conform to the body of the bill.

Consent was granted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its second reading by the following vote:

**Yeas—19.**

Beck.	Pace.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Greer.	Small.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—4.**

Holbrook.	Redditt.
Murphy.	Sanderford.

**Absent.**

Cousins.	Parr.
Martin.	Patton.
Moore.	Stone.

**Absent—Excused.**

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent.**

Cousins.	Stone.
Patton.	

**Absent—Excused.**

Fellbaum.

Read third time and finally passed by the following vote:

**Yeas—22.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Greer.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

**Nays—4.**

Holbrook.	Redditt.
Murphy.	Sanderford.

**Absent.**

Martin.	Patton.
Parr.	

**Absent—Excused.**

Fellbaum.

**House Bill No. 73.**

Senator Martin asked to take up and explain H. B. No. 73.

H. B. No. 73, A bill to be entitled "An Act to amend Chapter 95, of the General Laws of the State of Texas passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in Aid of the Court of Criminal Appeals of Texas, as amended by Chapter 40, of the General Laws of the State of Texas, passed by the Regular Session of the Fortieth Legislature, approved February 18, 1927, as amended by Chapter 137, of the General Laws of the State of Texas, passed by the Regular Session of the Forty-first Legislature, approved March 2, 1929, providing for the creation of a commission for the aid and assistance of the Court of Criminal Appeals of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; fixing the salaries of the commissioners, and the manner of payment thereof, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 was put on its second reading by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and put on its third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 73 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

## Nays—3.

Collie.	Oneal.
DeBerry.	

## Absent—Excused.

Fellbaum. Poage.

## House Bill No. 34.

Senator Moore called up H. B. No. 34:

H. B. No. 34, A bill to be entitled "An Act making an appropriation for the continuation of malaria control by the State Board of Health, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent—Excused.**

Fellbaum.	Poage.
-----------	--------

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Parr.
Collie.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Nays—3.**

Blackert.	Holbrook.
DeBerry.	

**Absent—Excused.**

Fellbaum.	Poage.
-----------	--------

**House Bill No. 4.**

The Chair recognized Senator Regan who asked to take up H. B. No. 4:

H. B. No. 4, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees, or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the Public Treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of a copy of the order of the court under the seal of the court."

Senator Regan asked unanimous consent to prepare and attach the emergency clause.

Consent was granted.

Amend H. B. No. 4 by adding a new section to be numbered Section 3, to read as follows:

"Section 3. The fact of the lateness of the Session and the extreme congestion of the Senate Calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in both houses on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

**REGAN.**

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 4 was put on its second reading by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Poage.
Collie.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—2.

DeBerry. Oneal.

Absent—Excused.

Fellbaum.

**Senate Resolution No. 17.**

Senator Moore sent up the following resolution:

Whereas, Hon. B. F. Looney, former State Senator, former Attorney General and member of the Dallas Court of Appeals is now within the bar of the Senate, be it

Resolved that Judge Looney be extended the privileges of the Senate and that he be invited to address this body.

MOORE,  
PURL.

Read and unanimously adopted.

The Lieutenant Governor appointed Senators Moore and Collie to escort the visitor to the platform.

Senator Moore introduced the Hon. B. F. Looney to the Senate. Mr. Looney addressed the Senate briefly.

**Senate Resolution No. 18.**

Senator Hornsby sent up the following resolution:

Whereas, Hon. J. W. Hall, Tax Collector of Harris County and a former able and faithful member of the Texas Senate is now visiting in Austin, now, therefore be it

Resolved that Hon. J. W. Hall be accorded the privileges of the floor and invited to address the Senate.

HORNSBY.

Read and adopted unanimously.

Hon. J. W. Hall addressed the Senate briefly.

**Senate Bill No. 11.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 11, A bill to be entitled "An Act amending Title 42, Chapter 13, Part 2, R. C. S. 1925, with reference to receivers and receiverships by adding thereto the following article to be known as Article 2320-a, authorizing proceedings by persons defined herein in the relief of debtors and providing for reorganization and readjustment of their indebtedness and affairs, providing the method, means and manner thereof and for proceedings in furtherance and aid thereof and for the adjudication of the rights of parties affected; prescribing jurisdiction and the power and authority of judges and courts in the premises to protect the assets of such debtors and to safeguard and insure the continuation of the busi-

ness of such debtors to the end that they shall continue to provide employment for labor and to encourage the orderly and economical administration of the affairs of such debtors, and providing generally for the relief of distressed debtors, and declaring an emergency."

Senator Woodruff sent up the following amendment:

Amend S. B. No. 11 by adding after the word "corporation" in line 40, page 1, the following:

"including independent and common school districts,"

WOODRUFF.

Read and adopted.

The bill is pending.

#### Motion to Concur.

Senator Beck moved that the Senate concur in House amendment to S. B. No. 12.

The motion prevailed by the following vote:

#### Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

#### Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 8, A bill to be entitled "An Act declaring a five (5) year closed season on wild fox in certain

counties; providing for violation of this Act, and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act authorizing cities having more than sixteen thousand inhabitants as shown by the last Federal Census, preceding such action, and containing a junior college within their corporate limits, to establish community centers consisting of all land and buildings or structures necessary therefor, including gymnasiums, auditoriums, natatoriums, and dormitories to furnish residence to teachers and students attending schools and college in any such city; authorizing such cities to issue or notes to purchase, construct, or improve the properties and facilities comprising such community centers and to mortgage and encumber all such properties and facilities, the income therefrom, and everything pertaining thereto, to secure payment of such bonds or notes; providing that the gymnasium, auditorium, natatorium, and dormitory may be included in one or more buildings or structures, within the discretion of the governing body of such city; authorizing such cities to borrow money on the security of the properties and facilities comprising such community centers, and the income therefrom, and everything pertaining thereto, acquired or to be acquired, for the purpose of paying the purchase price and/or construction cost, and to issue bonds or notes to evidence the money so borrowed, which bonds or notes shall have the characteristics of negotiable instruments under the law merchant, maturing not to exceed thirty (30) years from date and bearing interest at a rate of not to exceed five (5) per cent; etc., and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act to amend Sub-section 3 of Section 3, Chapter 29, Acts of the First Called Session of the Forty-third Legislature for the purpose of levying a more equitable tax upon retail fish dealers in order to correct the existing discriminations in favor of the chain stores, and to give relief to the storm-stricken sections of the State, and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act prohibiting the taking of



fur bearing animals by the use of any snare, dead-fall, or steel trap in Freestone County; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act declaring it unlawful to take, hunt, or pursue deer or turkey in Nacogdoches County for five (5) years after the passage of this Act; providing a penalty for violation, repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act making an appropriation to pay taxes for the years 1933 and 1934, due certain counties on lands set apart for the endowment of the University of Texas, which are now unsold, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act providing the open season for taking squirrels in Nacogdoches County; providing suitable penalty for violation of this Act, and repealing all laws in so far as they may be in conflict with this Act, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52 and as amended by Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, same being H. B. No. 79, so as to provide the method of prorating the funds provided in said Chapter, fixing date for filing claims under said appropriation, providing that claims arising thereunder shall not be negotiable or assignable; etc., and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bobwhites, and doves, in Terry County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act to amend Chapter 95 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in Aid of the Court of Criminal Appeals of Texas, as amended by Chapter 40 of the General Laws

of the State of Texas; etc., and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act fixing the compensation for county commissioners in certain counties, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 20, Designating Gold Star World War Memorial Highways.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 13, A bill to be entitled "An Act granting to G. B. White and B. White and each of them, and to the heirs and legal representatives of each of them, the right and authority to sue the State of Texas for a settlement of all rights, claims and demands of the said G. B. White and B. White, and each of them, arising out of or incident to the execution of and the performance under that certain contract made between G. B. White and B. White under the name of White Brothers and the State of Texas by its State Highway Engineer and State Highway Commission, of date January 7, 1931, under which contract the said White Brothers agreed to do the grading and to construct the small drainage structures in Coleman and Runnels Counties, Texas, under what was known as Job No. 200-K, Federal Aid Project 600-B; providing that such suit may be a continuation of any suit now pending in any district court of Travis County, Texas, between the said White Brothers and the State of Texas in regard to the same matters or may be a new suit originated in any district court of

Travis County Texas; providing that such suit may decide and settle all controversies between the said G. B. White and B. White and the State of Texas in connection with or incident to the execution of said contract and the performance thereunder and it may adjudicate fully and completely all the rights and liabilities of all the parties to said contract; providing that such suit may determine and fix all sums of money, if any, owing by either party to said contract to the other party or parties thereto because of or incident to the facts and circumstances surrounding the execution thereof or any performance or part performance thereunder; and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act validating the creation and changes in boundaries of all independent school districts having within their limits a city with a population of one hundred sixty thousand (160,000) or more, according to the last preceding Federal census, validating all elections in such districts authorizing the issuance of bonds, validating bonds heretofore voted in such districts, and tax levies made to pay the principal and interest of such bonds, providing that such validation shall not apply to any district or any bonds now involved in litigation, providing that the unconstitutionality of any part of this Act shall not affect the remaining parts thereof, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOY PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 34 by a vote of 104 yeas, and 5 nays.

The House has passed the following bill:

S. B. No. 12, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for certain State eleemosynary institutions for providing enlarged facilities for the care of additional patients

and inmates in said institutions; and declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 4 by a vote of 109 yeas, and 5 nays.

The House has adopted the following resolution:

H. C. R. No. 21, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 4 to conform to the body of the bill.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills and Resolution Referred.

H. B. No. 30, referred to the Committee on Town and City Corporations.

H. B. No. 8, referred to the Committee on Game and Fish.

H. B. No. 31, referred to the Committee on Game and Fish.

H. B. No. 33, referred to the Committee on Game and Fish.

H. B. No. 38, referred to the Committee on Game and Fish.

H. B. No. 40, referred to the Committee on Game and Fish.

H. B. No. 51, referred to the Committee on Finance.

H. B. No. 63, referred to the Committee on Finance.

H. B. No. 64, referred to the Committee on Game and Fish.

H. B. No. 73, referred to the Committee on Civil Jurisprudence.

H. B. No. 76, referred to the Committee on County and County Boundaries.

H. C. R. No. 20, referred to the Committee on State Highways and Motor Traffic.

#### House Bill No. 70.

Senator Woodruff asked unanimous consent to call from the table H. B. No. 70 and consider at this time.

Consent was granted.

H. B. No. 70, A bill to be entitled "An Act making it a penal offense for any officer or employee of the Texas Prison System, or any other person, to instigate, connive, attempt to cause, assist in or conspire with others to cause any mutiny, or riot, or in any manner aid in the escape of any prisoner from the Texas penitentiary, from any prison farm, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 70 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Poage.
Holbrook.	Patton.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.  
Sanderford.  
Small.  
Stone.

Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Fellbaum.

### House Bill No. 30.

Senator Neal moved to take up H. B. No. 30 at this time.

The motion prevailed.

H. B. No. 30, A bill to be entitled "An Act authorizing cities having more than sixteen thousand (16,000) inhabitants as shown by the last Federal census, preceding such action, and containing a junior college within their corporate limits, to establish community centers consisting of all land and buildings or structures necessary therefor, including gymnasiums, auditoriums, natatoriums and dormitories to furnish residence to teachers and students attending schools and colleges in any such city; authorizing such cities to issue bonds or notes to purchase, construct or improve the properties and facilities comprising such community centers and to mortgage and encumber all such properties and facilities, the income therefrom, and everything pertaining thereto, to secure payment of such bonds or notes; providing that the gymnasium, auditorium, natatorium and dormitory may be included in one or more buildings or structures, within the discretion of the governing body of such city; authorizing such cities to borrow money on the security of the properties and facilities comprising such community centers, and the income therefrom, and everything pertaining thereto, acquired or to be acquired, for the purpose of paying the purchase price and/or construction cost, and to issue bonds or notes to evidence the money so borrowed, which bonds or notes shall have the characteristics of negotiable instruments under the law merchant, maturing not to exceed thirty (30) years from date and bearing interest at a rate of not to exceed five (5%) per cent, etc., and declaring an emergency."

Senator Oneal sent up the following amendment:

Amend H. B. No. 30 by striking out of Section 3 after the word "body" the following:

"and it shall not be necessary to submit the questions for the establishment of such community centers and/or the issuance of such bonds or notes and/or mortgaging and encumbering such properties and facilities, to a vote of the electors of such city."

ONEAL.

Read and adopted.

Senator Collie sent up the following amendment:

Amend Oneal amendment by adding the following:

"Provided that nothing herein shall be construed as in any way repealing H. B. No. 312, Chapter 163, page 269, General Laws of the Forty-second Legislature, and the provisions of said law shall apply herein."

COLLIE.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 30 by striking out of Section 1 the following:

"more than sixteen thousand (16,000) inhabitants according to the last preceding Federal census and containing."

Amend the caption to conform.

MARTIN.

Read and adopted.

Senator Neal moved that the caption be amended to conform to the body of the bill.

The motion prevailed.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its second reading by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Poage.
Holbrook.	Patton.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

**H. C. R. No. 21.**

Senator Rawlings called up H. C. R. No. 21.

H. C. R. No. 21, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 4 to conform to the body of the bill.

H. C. R. No. 21 was adopted by a viva voce vote.

**Adjournment.**

On motion of Senator DeBerry, the Senate at 5:15 o'clock p. m. adjourned until 10:00 o'clock a. m. Thursday.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 7 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 6 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 4 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 18, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 9 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, Sept. 18, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 18, A bill to be entitled "An Act to prohibit the sale of barbituric acid or derivatives and compounds thereof under any copyrighted or chemical names except to wholesale drug houses, chemical houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed in the Journal.

BECK, Chairman.

Committee Amendment No. 1.

Section 1, line 3, page 1, after the words "wholesale drug houses or," insert the following: "to hospitals or," and in line 4, after words "wholesale drug houses to," insert the following: "hospitals or to," and in line 6, after the word "physician," insert the following: "dentist, veterinarians," and in line 9, after the words "pharmacy or," insert the following: "hospital," and after the word "physician," in line 9, insert the following: "dentist or veterinarian," and in line 15, page 2, after the word "physician," insert the following: "dentist or veterinarians," and in line 17, after the word "pharmacy," insert the following: "physician, dentist, or veterinarian," and in line 20 after the word "physician," insert the following: "dentist or veterinarian."

BECK.

Committee Amendment No. 2.

Amend caption to conform with the body of the bill.

BECK.

By Beck.

S. B. No. 18.

A BILL

To Be Entitled

An Act to prohibit the sale of Barbituric Acid or derivatives and compounds thereof under any copyrighted or chemical names except to wholesale drug houses, chemical houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The sale of Barbituric Acid or derivatives and compounds

thereof under any copyrighted or chemical name, except manufacturers or chemical houses to wholesale drug houses or retail pharmacies or by wholesale drug houses to retail pharmacies and by retail pharmacies on the prescription of a legally qualified physician or by a legally qualified dispensing physician, is hereby prohibited. All orders for Barbituric Acid or derivatives and compounds thereof under any copyrighted or chemical name shall be ordered by the retail pharmacy or dispensing physician from the wholesale drug house, chemical house or manufacturer by written order, which order shall be made in triplicate, one copy to go to the wholesale drug house, chemical house or manufacturer, one copy to be sent to the Food and Drug Division of the State Health Department, and the original or first copy to be retained by the pharmacy or dispensing physician placing the order. These orders shall be preserved by the wholesale drug houses, chemical houses or the manufacturer or pharmacy at least two years, subject to inspection of any officer of the law or inspectors of the State Health Department. All prescriptions written by a legally practicing physician shall be kept on file by the dispensing pharmacy for at least two years and shall be subject to inspection of any officer of the law or by any inspector of the State Health Department. No such prescription shall be refilled and shall be kept on a separate file provided for such prescriptions.

Sec. 2. Any person, firm or corporation who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars nor more than One Hundred Dollars.

Sec. 3. The fact that there is now no law regulating the sale of Barbituric Acid or derivatives and compounds thereof, and the fact that the same is very injurious to the human system where improvidently taken, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and the

same shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 21, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage, transportation, sale and handling thereof; amending Section 14 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; prohibiting the purchase, transportation, sale or handling of crude petroleum oil or natural gas produced in violation of any statute or any rule, regulation or order of the railroad Commission; prohibiting the purchase, transportation, sale or handling of any product, by-product or derivative of crude petroleum or natural gas which has been manufactured, refined or produced from crude petroleum or natural gas produced in violation of any statute or any rule, regulation or order of the Railroad Commission of the State of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 47, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for transcript fees for court reporters as provided by law for the fiscal years ending August 31, 1934, and 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 4, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the public treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of a copy of the order of the court under seal of the court."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 16, A bill to be entitled "An Act making an emergency appropriation of money for the State Department of Agriculture, providing for the purposes thereof and manner of expenditure; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment.

HOLBROOK, Chairman.

Committee Amendment.

Amend H. B. No. 16, by re-writing Section 1 as follows:

"There is hereby appropriated out of funds, appropriated to the Department of Agriculture by general appropriation bill, heretofore made by the Legislature of the State of Texas at the Regular Session of the Forty-third Legislature, as set out in Chapter 166 of the Acts of the Regular Session of the Forty-third Legislature, not otherwise appropriated by the Department of Agriculture in the amount of six

thousand dollars (\$6000.00) or so much thereof as may be necessary. Said appropriation shall be used by the Division of Entomology and Quarantine, of the State Department of Agriculture for the purpose of combating the Irish potato tuber moth and the sweet potato weevil.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 62, A bill to be entitled "An Act to provide a more adequate manner of compensating county judges in counties which have a population of not less than one hundred and ninety-five thousand (195,000) and not more than two hundred thousand (200,000), according to the last preceding census of the United States, and providing for the employment of a stenographer and other help for such judges, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 70, A bill to be entitled "An Act making it a penal offense for any officer or employee of the Texas Prison System, or any other person, to instigate, connive, attempt to cause, assist in or conspire with others to cause any mutiny or riot, or in any manner aid in the escape of any prisoner from the Texas penitentiary, from any prison farm, or from any prison transfer truck, or any other mode of conveyance, or who in any manner, either directly or indirectly, furnishes aid to or harbors and conceals any prisoner who has escaped from such penitentiary, prison farm, or prison transfer truck, or any other mode of conveyance; providing the penalty and punishment therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to amend Chapter 95 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in Aid of the Court of Criminal Appeals of Texas, as amended by Chapter 40 of the General Laws of the State of Texas, passed by the Regular Session of the Fortieth Legislature, approved February 18, 1927, as amended by Chapter 137 of the General Laws of the State of Texas passed by the Regular Session of the Forty-first Legislature, approved March 2, 1929, providing for the creation of a commission for the aid and assistance of the Court of Criminal Appeals of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; fixing the salaries of the commissioners, and the manner of payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to extend the time of payment of or obligations executed prior to November 1, 1901, by purchasers of school land for the unpaid balance of principal due the State thereon, such extensions to be for a peri-



od of ten (10) years from and after the passage of this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 67, A bill to be entitled "An Act authorizing cities of more than One Thousand population on the Coast of Texas, or any bay, inlet, and in which commercial fishing and shrimping is an established industry, to build or purchase municipal fish markets, and to borrow money therefor, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MARTIN, Vice-Chairman.

By Hartzog.

H. B. No. 67.

#### A BILL

#### To Be Entitled

An Act authorizing cities of more than One Thousand (1,000) population on the Coast of Texas, or any bay, inlet, and in which commercial fishing and shrimping is an established industry to build or purchase municipal fish markets, and to borrow money therefor, evidencing such indebtedness by the issuance of revenue bonds or revenue notes, secured only by a pledge of the physical properties, revenues from, and an operating franchise in event of foreclosure, on such properties, prescribing the conditions under which loans and grants for such purposes may be accepted from the United States of America or its agencies, prescribing the terms of such revenue bonds and notes, establishing their negotiability under the Uniform Negotiable Instruments Law, making provision for the creation of a fund to pay principal and interest of such

revenue bonds and notes, making the provisions of Article 2368-a applicable to the issuance thereof and to the letting of all contracts in reference thereto, making provision that all such bonds and notes shall have printed on them the declaration that the holder shall never have the right to demand payment out of moneys raised by taxation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any city in this State with a population of over One Thousand (1,000) people located on the Coast of Texas, or on any Gulf, Bay or Inlet, or within five (5) miles thereof, and in which commercial fishing and shrimping is an established industry, shall have the power to purchase and/or build a municipal fish market for the purpose of encouraging, developing and standardizing the fishing and shrimping industry, which among other services shall have sanitary facilities and equipment for cleaning, packing, shucking, canning and cold storage of shrimp, oysters and other sea food, and any such city shall have the right to borrow money, (and subject to the restrictions prescribed in Section 2 hereof to borrow money and to accept grants, either or both, from the United States of America or any agency thereof), for the purpose of building, purchasing or acquiring a municipal fish market and the necessary real property to be used as a site therefor; that any such city shall have the power to procure the funds for such purpose by issuing its revenue bonds or revenue notes for such purpose, and to secure the payment of such revenue bonds or revenue notes by mortgaging the physical properties so acquired or to be acquired, and pledging the net revenues received therefrom, and by the terms of the encumbrance may grant to the purchaser under sale or foreclosure a permit to operate the same subject to such laws as may then be in force regulating the operation of such industry, or may secure the revenue bonds or notes by pledge of revenues without a mortgage of the physical properties; such reve-

nue bonds or revenue notes shall bear interest at a rate fixed by the governing body of such city not to exceed six per cent (6%) per annum, and shall mature serially in such installments as may be fixed by said governing body within forty (40) years from their date, and at the option of the holder, may be registered as to principal only. Such obligations as may be incurred under the terms of this Act shall never be a debt of such city but solely a charge upon the property so encumbered and the revenues therefrom, and such obligation shall never be reckoned in determining the power of such city to issue any bonds for a purpose authorized by law.

Sec. 2. No such city shall have authority to accept a loan and grant, either or both from the United States of America or any agencies thereof, for such purpose, except subject to the following conditions:

(a) The construction of the market must be approved by the Health Department of the State of Texas, as conducive to the health of the people of the State who consume food products from Texas Coast waters;

(b) The construction of the market must be approved by the Game, Fish, and Oyster Commission, as feasible, and of economic importance to the fishing industry generally, in the entire district to be served by the market, as distinguished from the local or civic benefits to be derived therefrom by such city, and that the economic need for such project is not already adequately met by some other or similar institution accessible to the district to be served;

(c) Any such market shall be and shall remain subject to such rules and regulations as to health and sanitation as shall be prescribed by the State Health Department and by all agencies and departments of the United States of America having power to impose such rules and regulations.

Sec. 3. All revenue bonds and all revenue notes issued hereunder shall be considered and held to be negotiable under the Negotiable Instruments Law heretofore enacted by the Legislature of the State of Texas.

Sec. 4. The expense of operating and maintaining any such market

including all salaries, labor, materials and repairs necessary to permit such market to render efficient service shall always be a first lien and charge against the revenues received from its operation. All of the gross revenues from the operation of such market, after the payment of such maintenance and operating expenses shall be pledged and used exclusively to the payment of the principal and interest of such bonds or notes. Provided if in the judgment of the governing body of such city it is necessary to extend or enlarge such market, the city is authorized to make a junior pledge of the revenues of such market and of the extension to be constructed. In the event such subsequent pledge is made it shall be inferior in all respects to the pledge theretofore made, and the city may issue such junior revenue bonds or notes having interest rates, maturities and covenants as herein prescribed for the first issue of such bonds or notes. The city shall establish, deposit and secure the special funds to facilitate the payment of the principal and interest of all of such bonds and/or notes. It is the intent of this Act that all of the revenues from the operation of such market, after paying maintenance and operating expenses shall be used for debt service and the surplus if any shall be used to buy in and cancel such revenue bonds or revenue notes before maturity or in the alternative shall be invested in such securities as shall be prescribed in the contracts under which money for such construction of such market may be furnished to the city.

Sec. 5. Cities and towns building municipal fish markets under the provisions of this Act shall be governed by the provisions of Article 2368-a Revised Civil Statutes of Texas, with reference to notice, right of referendum and competitive bidding.

Sec. 6. Any and all revenue bonds and revenue notes issued pursuant to the provisions of this Act shall have stamped or printed thereon the following: "The holder hereof shall never have the right to demand payment out of any funds raised or to be raised by taxation."

Sec. 7. The fact that there is no

adequate law permitting cities having fishing and shrimping industries to mortgage or encumber municipal fish markets and the revenues therefrom, the fact that recent tropical storms have destroyed existing markets along the Texas Coast, and the fact that the health of the citizens of Texas will be safeguarded through the passage of this Act, and prosperity restored along the storm stricken Coast through the rebuilding of the fishing industry, thus providing work and labor opportunities for the unemployed, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each house on three several days, be suspended, and the same is hereby suspended, and that this Act be effective immediately from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred H. C. R. No. 14,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBerry, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to provide for the cession by the State of Texas to the United States of America of all right, title and interest which the State of Texas may have in and to certain lands in El Paso County and Hudspeth County, comprising the bed and banks of the Rio Grande, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

COUSINS, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 22, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as amended by Chapter 38 of the Forty-second Legislature at its Third Called Session, by placing Hunt County within, to compose a part of both the Fifth (5th) and Sixth (6th) Supreme Judicial Districts of Texas, and regulating the filing, in the respective Courts of Civil Appeals established in said districts, cases appealed from the trial courts of Hunt County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 46, A bill to be entitled "An Act to amend Subdivision 32, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1931, Forty-second Legislature, First Called Session, page 27, Chapter 14, Section 1, amended by Acts 1933, Forty-third Legislature, Regular Session, page 371, Chapter 145, so as to change the time and terms of holding the terms of district court in Nolan, Mitchell, Scurry and Borden Counties, constituting the Thirty-second Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act, repealing all laws in conflict herewith, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 73, A bill to be entitled "An Act to amend Chapter 95, of the General Laws of the State of Texas passed by the Regular Session of the Thirty-ninth Legislature, approved March 19, 1925, creating the Commission in Aid of the Court of Criminal Appeals of Texas, as amended by Chapter 40, of the General Laws of the State of Texas, passed by the Regular Session of the Fortieth Legislature, approved February 18, 1927, as amended by Chapter 137, of the General Laws of the State of Texas, passed by the Regular Session of the Forty-first Legislature, approved March 2, 1929, providing for the creation of a commission for the aid and assistance of the Court of Criminal Appeals of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; fixing the salaries of the commissioners, and the manner of payment thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 30, A bill to be entitled "An Act authorizing cities having more than sixteen thousand (16,000) inhabitants as shown by the last Federal census, preceding such action, and containing a junior college within their corporate limits, to establish community centers consisting of all land and buildings or structures necessary therefor, including gymnasiums, auditoriums, natato-

riums and dormitories to furnish residence to teachers and students attending schools and colleges in any such city; authorizing such cities to issue bonds or notes to purchase, construct or improve the properties and facilities comprising such community centers and to mortgage and encumber all such properties and facilities, the income therefrom, and everything pertaining thereto, to secure payment of such bonds or notes; providing that the gymnasium, auditorium, natatorium and dormitory may be included in one or more buildings or structures, within the discretion of the governing body of such city; authorizing such cities to borrow money on the security of the properties and facilities comprising such community centers, and the income therefrom, and everything pertaining thereto, acquired or to be acquired, for the purpose of paying the purchase price and/or construction cost, and to issue bonds or notes to evidence the money so borrowed, which bonds or notes shall have the characteristics of negotiable instruments under the law merchant, maturing not to exceed thirty (30) years from date and bearing interest at a rate of not to exceed five (5%) per cent, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Vice-Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 63, A bill to be entitled "An Act amending Section 3 of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, and as amended by Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, same being House Bill No. 79, so as to provide the method of pro-rating the funds provided in said chapter, fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no

commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas regulatory laws in such cases; providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full, and no further payment made by the State on said claim, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOLBROOK, Chairman.

By Hankamer, et al. H. B. No. 63.

#### A BILL

##### To Be Entitled

An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52, and as amended by Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, same being H. B. No. 79, so as to provide the method of pro-rating the funds provided in said chapter, fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas regulatory laws in such cases; providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full, and no further payment made by the State on said claim, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 3 of S. B. No. 52, Chapter 67, Acts of the First Called Session of the Forty-third Legislature as amended by H. B. No. 79, Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, is hereby amended so as to hereafter read as follows:

"Section 3. It is further provided that should the sum claims of growers and producers of cotton in the zones affected in the following manner:

"First: In so far as the funds which are authorized in said appropriation are sufficient, they shall first be prorated to pay the valid claims that are filed with the Compensation Claim Board on or before April 15, 1934, and which are approved by said Board:

"Second: Any funds remaining under said appropriation after the payment of the valid and approved claims, which have been filed with the Compensation Claim Board, on or before April 15, 1934, and approved by said board, have been paid in full, shall be prorated among the valid claims filed after April 15, 1934, and before October 23, 1934, and which are approved by the Compensation Claim Board.

"It is the intention of this Act to reimburse the growers and producers of cotton, which is produced in Texas, for expenses incurred in sterilizing cotton seed and fumigating cotton, whether said cotton was ginned in Texas or some other State, if said expense to the grower was charged by reason of the Texas regulatory laws in such cases.

"Provided that when any claim, payment of which has been authorized under the Act herein amended, is paid only in its proportionate part, the said claim shall be receipted for in full, and no further amount shall ever be paid by the State for such claim."

Sec. 2. The fact that Chapter 67, Acts of the First Called Session of the Forty-third Legislature, and Chapter 29, herein appropriated be insufficient to pay the claims of all growers and producers of cotton in full, then the sum appropriated shall be prorated among the growers and producers of cotton as hereinafter provided, and each such grower or

producer shall receive that proportion of the total appropriation that his individual claim bears to the total claim approved by the Compensation Board.

"No part of the money herein appropriated to reimburse farmers for expenses incident to the establishment of regulated zones shall be paid directly or indirectly for commissions or fees to any person or persons for securing the passage of this bill, or for services before committees or with members of the Legislature to secure its passage, or for presenting, filing and/or prosecuting said claims before the Compensation Claim Board, or any of its agents.

"It is further provided that no claim or any part of any claim against the State, which has arisen or may arise, by virtue of, and upon authority of, the laws of this State, under whose authority this appropriation for payment of said claims is based, shall be negotiable or assignable; provided, that this provision shall in no way affect the right of executors or administrators of the estate of any claimant from presenting the claims of any such claimant who may be deceased, in the same manner such deceased claimant could have done if living.

"Said funds appropriated by Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52, of said Session, shall be prorated among the valid Acts of the Second Called Session of the Forty-third Legislature, fixed no definite date for the payment of claims approved by the Compensation Claim Board and which were filed after April 15, 1934, thereby

delaying the reimbursement of those entitled to such payments from said appropriation, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 58, A bill to be entitled "An Act relating to any city which has not less than eight thousand seven hundred (8700) nor more than eight thousand eight hundred (8800) inhabitants as shown by the Federal census last preceding the action herein authorized; providing that the governing body of any such city, in making up the annual appropriation of the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city, shall first provide for maintenance and operating expenses of such system, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Vice-Chairman.

# In Memory of Hon. Judge I. W. Culp

## Senate Resolution No. 16.

Senator Sanderford sent up the following resolution:

Whereas, The Senate has learned with profound sorrow of the death of Judge I. W. Culp of Temple, a member of the House of Representatives during the sessions of the Twenty-sixth, Thirty-sixth and Thirty-eighth Legislatures; and

Whereas, By reason of his long and distinguished career, Judge Culp preformed a valued and worthwhile service to the people of his country and State. We deem it fitting to lay to his memory this feeble tribute of respect. Judge Culp was born in Coryell County, September 22, 1870, being the son of J. R. and Nancy A. Miller Culp. His forbears were a part of the early immigrants from Tennessee to Texas who did their part in the building of the frontier of our present civilization. He attended rural schools, high school and was for a time a student of law in the University of Texas. He was admitted to the bar in 1899 and thereafter practiced law in Killeen for a while, a part of which time he served as mayor and city attorney. His services in the Legislature were of a high standard and attracted attention of thoughtful people throughout the State. In 1901 he was a candidate for Lieutenant Governor and was defeated in that contest by less than five thousand votes. For a long period of time he served as a member of the State Democratic Committee from his State and was prominent in counsels of the party at many State Conventions. He was an able attorney, a good legislator and an outstanding citizen. He had membership in the State Bar Association and in all branches of the Masonic Fraternity and was also a member of the Baptist Church. In 1901 he was married to Miss Emma Hoover of Bell County, and is survived by his wife, three sons, I. W. Jr., Jack and Evetts, three daughters, Mrs. Joe Wheeler Harris of Temple, Mrs. W. P. Hobby of Houston and Mrs. Gerald D. Ford of Houston, his Mother, Mrs. J. R. Culp of Coryell City, and two brothers, J. R. Culp of Coryell City and Jessee of Killeen, Texas.

Judge Culp's life was an active one from the time he first came to manhood until his eyes closed in eternal rest. He had a sense of humor and a fairness of thought and action which endeared him to all those with whom he came in contact. We shall miss his kindly presence and friendly smile in the thought that he has gone from us. He has journeyed to join those immortals who in an early day wrought mightily for this commonwealth and his memory and tradition are enshrined in our hearts. We join with his friends everywhere in extending to his family our deep regret at their loss and take pride in pointing to his record of splendid achievement; now therefore, be it

Resolved, By the Senate, that in his passing we feel that we have been parted from a comrade and friend of real worth, that his life and character will still stand as a benediction to us all and as an example of high endeavor; and be it further

Resolved, That when the Senate adjourns for the day that it do so in his memory and that a copy of this resolution be mailed to each member of the family of the deceased.

SANDERFORD,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,

GREER,  
HOLBROOK,  
HOPKINS,  
HORNSBY,  
MARTIN,  
MOORE,  
MURPHY,  
NEAL,

ONEAL,  
PACE,  
PARR,  
PATTON,  
PURL,  
POAGE,  
RAWLINGS,  
REDDITT,

REGAN,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD,  
WITT, Lt.-Gov.

Read and unanimously adopted by a rising vote.